



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION

Applicant: Jude S. Sauer  
Serial No.: 10/772,185 Confirmation No: 4686  
Filed: 02/04/2004  
For: INSTRUMENT FOR GUIDING THE SURGICAL CUTTING OF  
TISSUE AND METHOD OF USE  
Examiner: Victor X. Nguyen Art Unit: 3734  
Atty. Docket: LS-006CV

STATEMENT OF SUBSTANCE OF INTERVIEW

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In a telephone interview with the Examiner on November 7, 2008, the Examiner and the below signed attorney discussed U.S. Patent No. 5,078,722 (Stevens) with respect to Claims 1 and 25 as to how Stevens and the claimed invention differ, and agreement was reached in that an Request for Continued Examination (RCE) would be filed. The opening and the path of the blade have been clarified in the Amendment filed November 12, 2008 with a RCE. Also, the Examiner stated in the interview that due to the period of time between the Advisory Action mailed October 8, 2008 and Applicant's After Final Response filed May 5, 2008 to the Office Action dated February 4, 2008, the Examiner would accept the RCE as being timely filed notwithstanding passing of six months since the Office Action dated February 4, 2008.

Respectfully submitted,

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Dated: December 10, 2008

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Tammy S. Moynihan

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